

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

TIMOTHY REEVES,

Plaintiff,

v.

R. LYNCH ET AL.,

Defendants.

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CIVIL ACTION NO. 5:15-CV-00146-RWS

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The Plaintiff Timothy Reeves, a former inmate of the Bowie County Correctional Center in Texarkana, Texas, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On August 21, 2017, Plaintiff was ordered to file an amended complaint within thirty (30) days setting out his claims against the remaining Defendants, Warden Page, LaSalle Corrections, and Correct Care Solutions. Docket No. 54. He received this order on August 25, 2017 but has taken no further action. Docket No. 55.

On October 16, 2017, the Magistrate Judge issued a Report recommending dismissal of the remaining claims in the lawsuit without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 56. The Magistrate Judge also recommended the statute of limitations be suspended for a period of sixty (60) days following the date of entry of final judgment. A copy of this Report was sent to Plaintiff at his last known address, return receipt requested, but

was returned with a notation stating Plaintiff had been paroled on August 28, 2017. Docket No. 57. No forwarding address could be provided to the Court.

Plaintiff is a *pro se* litigant, and under the Local Rules of the Eastern District of Texas, *pro se* litigants must provide the Court with a physical address and are “responsible for keeping the clerk advised in writing of the current physical address.” Local Rule CV-11(d). To date, Plaintiff has not updated his address with the Court or filed a response to the Report.

Plaintiff did not file objections to the Report and Recommendation; therefore, this Court reviews the Report and Recommendation for clear error. *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988). Upon review of the Magistrate Judge’s finding, this Court finds that the findings and conclusions of the Magistrate Judge are correct. The Court agrees with the Magistrate Judge that Plaintiff’s action should be dismissed without prejudice for failure to prosecute. Therefore, the Court hereby **ADOPTS** the Report of the United States Magistrate Judge as the findings and conclusions of this Court. It is

ORDERED the Plaintiff’s claims against Warden Page, LaSalle Corrections, and Correct Care Solutions are **DISMISSED** without prejudice for failure to prosecute or to obey an order of the Court. Because these are the last remaining claims in the case, the lawsuit shall be dismissed in its entirety. It is further

ORDERED the statute of limitations on the claims against Warden Page, LaSalle Corrections, and Correct Care Solutions is **SUSPENDED** for a period of sixty (60) days following the date of entry of final judgment in this case. Finally, it is

ORDERED any and all motions which may be pending in this civil action are **DENIED**.
SIGNED this 31st day of January, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE